

REMARKS

Applicants present claims 1 to 10, 12 to 19, and 21 to 25 for examination. Claims 1, 14 and 18 are independent. Favorable reconsideration and further examination are respectfully requested.

In the Office Action, claims 11 and 20 were rejected under the second paragraph of §112. Without conceding the propriety of the rejection, Applicant has cancelled those claims, thereby rendering the rejection moot.

Turning to the art rejections, claims 1, 2, 4 to 6, 8, 9, 18, 19, and 21 to 25 were rejected over JP4-206786 (Watanabe); claims 1, 2, 4 to 6, and 8 to 11 were rejected over JP05335643 (Yamashita); claims 14, 15 and 17 were rejected over U.S. Patent No. 6,507,140 (Heinz); claims 3 was rejected over Watanabe or Yamashita in view of JP58-186928 (Murata); claims 7 and 12 were rejected over Watanabe or Yamashita; claim 16 was rejected over Heinz in view of JP57-025798 (Ichinose); claim 13 was rejected over Watanabe and Yamashita in view of JP8-316095(Murata); and claim 20 was rejected over Watanabe and Yamashita.

As shown above, Applicant has amended independent claims 1 and 14 to recite that the external electrode comprises a layer that has an indentation, where a thickness of the layer at the indentation is a local minimum thickness. Independent claim 18 has been amended to recite that the external electrode comprises a layer having one or more indentations, where a thickness of the layer at an indentation is a local minimum thickness. The art is not understood to disclose or to suggest these features of the claims.

Regarding Watabe, the Office Action equates electrode 3 (of Watabe, Fig. 5) to the claims' external electrode. As shown in Fig. 5(3) of Watabe, however, the thickness of layer 3 does not constitute a local minimum thickness at a point where an indentation in the external electrode occurs (e.g., at point 10 – see Fig. 5(2)). Rather, as clearly shown in Fig. 5(3), at those points, the thickness of electrode 3 is at a maximum, not local minimum. It is noted that the areas of electrode 3 that are less thick do not occur at the points of indentation, as required by the amended claims.

Regarding Yamashita, the Office Action equates elements 2<sub>e1</sub> and 2<sub>e2</sub> of Yamashita to the claims' external electrode. However, Applicant respectfully directs the Examiner to the translation being submitted in the Information Disclosure Statement that accompanies this response. As is clear from that translation, elements 2<sub>e1</sub> and 2<sub>e2</sub> are parts of pressurized conductivity film, which acts as an insulator when not pressurized, and which conducts when pressurized (see, e.g., paragraph 0008 of the translation). In actuality, elements 2<sub>e1</sub> and 2<sub>e2</sub> are an interface between the outer contact element 5<sub>c2</sub> and the inner electrodes, not an external contact, as set forth in the claims. The outer contact element 5<sub>c2</sub> likewise does not meet the requirements of the claims, since it is not on a face of the base (or stack) comprised of ceramic and inner electrode layers.

Regarding Heinz, the Office Action equates external electrode 7 to the external electrode of the claims. However, as clearly shown in Fig. 3 (which is a close-up view of a section of Fig. 1), electrode 7 has a substantially constant thickness. Points 8, which are depicted in Fig. 1 denote contacts between flat electrode 6 and electrode 7, and do not represent local minimal thickness. Furthermore, Applicant notes that the claims require

the external electrode to comprise "a layer". Electrode 7, however, is a "net-like" external electrode, which does not constitute a layer, but rather is more like a fabric having various holes, as shown, e.g., in Fig. 2 of Heinz.

For at least the foregoing reasons, independent claims 1, 14 and 18 are believed to be patentable over Watabe, Yamashita, and Heinz, or any combination thereof. The remaining art is not understood to add anything that would remedy the foregoing deficiencies of these references. Accordingly, claims 1, 14 and 18 are believed to be allowable.

Each of the dependent claims is also believed to define patentable features of the invention. Each dependent claim partakes of the novelty of its corresponding independent claim and, as such, has not been discussed specifically herein.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

In view of the foregoing amendments and remarks, Applicant respectfully submits that the application is in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Applicant : Steffan Riemer  
Serial No. : 10/505,185  
Filed : September 29, 2004  
Page : 12

Attorney's Docket No.:  
14219-065US1/P2002,0134USN

Applicant's undersigned attorney can be reached at the address shown below. All telephone calls should be directed to the undersigned at 617-521-7896.

Please apply any fees or credits due in this case, which have not already been covered by check, to Deposit Account 06-1050 referencing Attorney Docket No. 14219-065US1.

Respectfully submitted,

Date: February 20, 2007



Paul A. Pysher  
Reg. No. 40,780

Fish & Richardson P.C.  
225 Franklin Street  
Boston, MA 02110-2804  
Telephone: (617) 542-5070  
Facsimile: (617) 542-8906

21560191.doc